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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,549	07/23/2003	Chao-Ming Teng	TENG3	7504
1444 7590 03/18/2008 BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303				
EXAMINER				
BELL, LOUIS W				
ART UNIT		PAPER NUMBER		
2619				
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03/18/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/624,549

Applicant(s)

TENG ET AL.

Examiner

LOUIS BELL

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/23/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-27 is/are allowed.
- 6) ☒ Claim(s) 1, 20 and 22-24 is/are rejected.
- 7) ☒ Claim(s) 2-19, 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/23/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This is a Non-Final Office Action in response to the present US Application filed on 07/23/2003. **Claims 1-27** are presented for examination. No Claims are withdrawn or amended.

Allowable Subject Matter

Claim 25-27 allowed.

Claims Objection

Claim 2-19, 21 objected to as being dependent upon a rejected base claim, but would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Patent No.: US 5,373,503 to Chen.

As to **Claim 1** Chen discloses a method for unifying medium access control (MAC) protocols comprising: grouping MAC nodes having ready packets according to preset parameters to produce a grouping result (*based on successful transmission and not successful transmission parameters, actives nodes that have successfully*

transmitted are group in the interval 0 to p-1 and actives nodes that do not sent successfully are group in the P interval, col. 11 In 30-44,);

and transmitting packets of the MAC nodes, including unsuccessful packets from unsuccessful MAC nodes or new arrival packets from other MAC nodes, over a physical multi-access medium according to the grouping result and the preset parameters *(based on their grouping, nodes in the same group content for the medium and it is implied that after a node obtains the medium it transmits it packets, col 6 In 16-29).*

Claims 20 and 24 is rejected under 35 U.S.C. 102(b) as being anticipated by Publication No.: US 2002/0080728 A1 to Sugar et al. "Sugar".

As to **claim 20** Sugar discloses an apparatus for unifying MAC protocols comprising:

a unified MAC processor *(fig. 2);*

a memory having a unified MAC program *(fig. 2, the MAC data and the system control & config);*

and a transmitter/receiver circuit *(fig. 2);* wherein the unified MAC program is used to control the operation of the unified MAC processor and the unified MAC processor operates as a specific MAC protocol after the unified MAC program is configured by a specific set of parameters; thereby, the apparatus transmitting its packet via the transmitter/receiver circuit thereon in accordance with the configured MAC protocol (pg. 2 pgh 20-21).

As to **claim 24** Sugar discloses the apparatus claimed in the claim 20,

Sugar further discloses wherein the memory further has a packet buffer for saving new arrival packets from upper layer protocol or packets received from physical layer (*packets to be sent or received by the processor are exchange with the MAC memory, fig 2, pg 2 pgh 20*).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Publication No.: US 2002/0080728 A1 to Sugar et al. "Sugar" in view of Pub. : No.: US 2004/0196857 to Holloway *et al.*, "Holloway".

As to **claim 22 and 23** Sugar discloses the apparatus claimed in the claim 20; Sugar does not expressly discloses the unified MAC program comprises a CATE or CRTE routine for splitting nodes in DN or CN into different groups so as to avoid collisions.

Holloway discloses stations that are organized in group to content for a medium using a DFPQ algorithm and thus avoid collisions (fig. 6 pg. 3 pgh 34).

Sugar and Holloway are analogous art because they are from the same field of endeavor with respect to communications networks;

At the time of the invention, it would have been obvious to a person of ordinary skilled in the art to combine the teachings of Sugar and Holloway with motivations such as to provide synchronized voice service over a non-synchronous network (Holloway, pg. 2 pgh 7)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis Bell whose telephone number is 571-270-3312. The examiner can normally be reached on Monday-Friday 7:30 a.m. to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2619

/LB/

/CHAU T. NGUYEN/

Supervisory Patent Examiner, Art Unit 2619